

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Consumer Data Industry
Association,

Court File No.: 07-CV-3376 (PJS/JJG)

Plaintiff,

STIPULATION TO CONSENT ORDER

vs.

Lori Swanson, in her official
capacity as Attorney General for
the State of Minnesota,

Defendant.

Plaintiff and Defendant in the above-entitled action, through their respective attorneys, stipulate as follows:

WHEREAS on July 17, 2007, Plaintiff filed a complaint in the above-entitled matter seeking declaratory and injunctive relief against Defendant on the ground, inter alia, that Minn. Stat. § 13.01, subd. 3, which was signed into law on May 21, 2007 and would have become effective on August 1, 2007, is preempted under 15 U.S.C. § 1681t(b) of the Fair Credit Reporting Act (FCRA) and therefore is unenforceable;

WHEREAS on July 30, 2007, the Court issued a preliminary injunction [Docket No. 15] against enforcement of Minn. Stat. § 13.03, subd. 3, finding that Plaintiff “had shown a very strong probability of prevailing on the merits of its argument that subdivision 3 of § 13C.01 is preempted by the FCRA” (Order at 8);

NOW, THEREFORE, IT IS HEREBY STIPULATED:

1. The parties waive further procedures before the Court and agree that the Court may issue a final order finding and declaring that Minn. Stat. § 13C.01, subd. 3 is preempted in its entirety under 15 U.S.C. § 1681t(b) of the FCRA and is not enforceable, directly or indirectly, by Defendant;
2. Defendant will not appeal the preliminary injunction herein or the order and judgment entered pursuant to this Stipulation
3. The parties waive any claims for costs, disbursements, and attorney fees arising from or related to this lawsuit pursuant to 42 § U.S.C. 1983 or other authority, and each party shall bear its own costs, disbursements, and attorney fees incurred herein;
4. The order issued pursuant to this Stipulation shall constitute the final order of the Court in the above-entitled matter and shall finally dispose of and determine all claims herein.

Dated: August 10, 2007

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